

REMARKS

Applicant submits this Amendment After Final in reply to the final Office Action mailed December 13, 2005.

As an initial matter, Applicant would like to thank the Examiner for conducting a personal interview with Applicant's representative on February 23, 2006. The matters discussed during the personal interview are included in this Amendment After Final.

By this Amendment After Final, Applicant amends claims 1, 22, 61, and 86. Applicant also amends claim 39 to correct a minor typographical error.

Before entry of this Amendment After Final, claims 1-39, 61-107, 109, 112, 115, and 118 were pending in this application. After entry of this Amendment After Final, claims 1-39, 61-107, 109, 112, 115, and 118 are still pending in this application. Claims 1, 22, 61, and 86 are independent claims.

On pages 2-3 of the Office Action, claims 1-4, 7-10, 14-26¹, 30-34, 38, 39, 61-64, 67-70, 74-90, 94-98, 102-107, 109, 112, 115, and 118 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,059,719 to Yamamoto et al. ("Yamamoto"), or in the alternative, were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto. Applicant respectfully traverses these rejections.

Yamamoto does not disclose or suggest every aspect of the claimed invention. For example, each of independent claims 1 and 22 recites a device including, among other aspects, "wherein a proximalmost end surface of the distal assembly substantially transverse to the elongate member has a diameter larger than a diameter of a

¹ The final Office Action lists "14-19-26," which Applicant understands to mean "14-26."

distalmost end of the channel of the endoscope.” Each of independent claims 61 and 86 recites similar aspects. The Examiner agreed in the personal interview that Figs. 12, 13, and 15 of Yamamoto do not disclose at least these aspects of the claimed invention either alone or in combination with the other aspects of each of respective claims 1, 22, 61, and 86. Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the Section 102(b) and 103(a) rejections based on Yamamoto.

On pages 3-4 of the final Office Action, dependent claims 5, 6, 11-13, 27-29, 35-37, 65, 66, 71-73, 91-93, and 99-101 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of U.S. Patent No. 6,066,102 to Townsend et al. (“Townsend”). Applicant respectfully traverses this rejection. As set forth above, Yamamoto does not disclose or suggest every aspect of independent claims 1, 22, 61, and 86. Townsend does not remedy the deficiencies of Yamamoto. The rejection, for example, relies on Townsend for its alleged disclosure relating to features of handles and elongate members in dependent claims. Applicant therefore respectfully requests withdrawal of the Section 103(a) rejection based on Yamamoto and Townsend.

Applicant further submits that claims 2-21, 23-39, 62-85, 87-107, 109, 112, 115, and 118 depend either directly or indirectly from one of independent claims 1, 22, 61, and 86, and are therefore allowable for at least the same reasons that their respective independent claims are allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited references and therefore each also are separately patentable.

Applicant respectfully requests that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-39, 61-107, 109, 112, 115, and

118 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 22, 61, and 86 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the consideration of this Amendment After Final would allow the Applicant to reply to the final rejections.

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the final Office Action.

In discussing the specification, claims, and drawings in this Amendment After Final, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final
and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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